

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CV288-03-MU**

KHOSROW PARMAEI,

Petitioner,

v.

RICHARD NEELY,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's counsel's telephonic motion for a continuance of the hearing scheduled for December 14, 2010. Petitioner's counsel, Mr. David Belser, represented to the Court that he is seeking a continuance due to the fact that he is ill and because he has no power in his office. Counsel for the State did not consent to the motion, but took no position.

The Court finds that Petitioner's counsel has established good cause for a continuance of the hearing. The hearing scheduled for December 14, 2010 will be continued to a date in 2011. The Court will notify the parties as to the new date. The parties should be on notice that the Court will not look favorably on any further motions to continue this case as the issues regarding the "new/supplemental" evidence must be resolved before the habeas petition can be decided.

SO ORDERED.

Signed: December 13, 2010



Graham C. Mullen
United States District Judge

